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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional) /

P-8383.00

First named inventor: Brian C.A. Fernandes

Application No. 09/301,842

Filed: April 29, 1999

Art Unit: 3763

Examiner: Lam, Ann Y.

**RECEIVED**

JUN 02 2004

**OFFICE OF PETITIONS**

Title: Implantable medical device with enhanced biocompatible and biostability

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

\_\_\_\_\_ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

**XX** \_\_\_\_\_ Other than small entity - fee \$1,300.00 ((37 CFR 1.17(m)) (Please charge Deposit Account 13-2546.)

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Reply under 37 C.F.R. 111 Amendment under 37 C.F.R. 1.121 (identify type of reply):

\_\_\_\_\_ Has been filed previously on \_\_\_\_\_.

**XX** Is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_ 05/28/2004 EFLORES 00000065 132546 09301842

\_\_\_\_\_ Has been paid previously on 01 EC:1453 1330.00 DA \_\_\_\_\_.

\_\_\_\_\_ Is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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### 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form.**  
Provide credit card information and authorization on PTO-2038.

May 24, 2004  
Date

Kenneth J. Collier  
Signature

Telephone Number: 763-505-2521

Fax: 763-505-2530

Kenneth J. Collier, Reg. No. 34,982  
Typed or Printed Name

Medtronic, Inc.



#### Enclosures:

☒ Fee Payment (Please charge Deposit Account 13-2546.)

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 24, 2004  
Date

Juanita I. Trauffer  
Signature

Juanita I. Trauffer

Type of Printed Name of Person Signing Certificate

[Page 1 of 2]

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